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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,804	09/15/2003	Gerald J. Doiron	DOIR-002	9498
34203	7590	02/20/2004	EXAMINER	
MICHAEL L. LEETZOW, P.A. 5213 SHORELINE CIRCLE STANFORD, FL 32771			THOMSON, MICHELLE R	
			ART UNIT	PAPER NUMBER
			3641	
DATE MAILED: 02/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/662,804		DOIRON, GERALD J.	
	Examiner		Art Unit	
	Michelle (Shelley) Thomson		3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 2, 3, 9, 13, 17, 20, 23, 24, 25, 26, and 62. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 13-18 are objected to because of the following informalities: In claim 13, line 4 “the opposite end” should be --an opposite end--, line 8 “directions” should be --direction--; in claim 16, line 4 “the second end” should be --a second end--. In claim 16, lines 9 and 10 “the cutout prevents the operation of the trigger”, should apparently be --the shaft prevents the operation of the trigger--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Morrison (US Patent # 4,300,301). Morrison discloses a trigger lock housed in a rifle frame (reference 5), comprising: a shaft (reference 20) having a first end and a rod on an opposite second end (Figure

2), a cutout (reference 35) located between the first end and the rod, the shaft rotatable within the frame, a spring (reference 16) for retaining the shaft within the frame, a thumb lever (reference 7) having a thumb pad (reference 30) for attachment to the rod of the shaft whereby pressing the thumb lever in one direction causes the shaft to rotate so that the cutout is near the trigger and the trigger will operate and pressing the thumb pad in an opposite direction causes the shaft to rotate so that the cutout is not near the trigger and the trigger will not operate (column 3, lines 63-68 and column 4, lines 1-7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison as applied to claim 13 above, and further in view of Tange (US Patent # 5,903,994). Although Morrison does not expressly disclose a pin for attaching the thumb lever to the shaft, Tange does. Tange teaches a connecting screw (pin) (reference 34) for connecting a safety lever to a central pin in order to prevent the two pieces from rotating relative to each other. Tange and Morrison are analogous art because they are from the same field of endeavor: firearm safeties. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the pin connection as taught by Tange with the safety as taught by Morrison. The suggestion motivation for doing so would have been to obtain a safety lever affixed to a safety rod in a manner that would not allow rotation between the two.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison and Ruger (US Patent # 3,577,668). Morrison discloses a trigger lock housed in a rifle frame (reference 5), comprising: a safety barrel assembly (shaft) (reference 20) having a first end (right side on Figure 2) and a rod on an opposite second end (left side on Figure 2), a cutout (reference 35) located between the first end and the rod, the shaft rotatable within the frame, a spring (reference 16) for retaining the shaft within the frame and to hold the safety shaft in two stable positions (column 3, lines 20-30), a thumb lever (reference 7) having a thumb pad (reference 30) for attachment to the rod of the shaft whereby rotating the thumb lever in one direction (second position) causes the shaft to rotate so that the cutout is positioned near the trigger and the trigger will operate and pressing the thumb pad in an opposite direction (first position) causes the shaft to rotate so that the cutout is not positioned near the trigger and the trigger will not operate (column 3, lines 63-68 and column 4, lines 1-7). Although Morrison does not expressly disclose the spring around the shaft, Ruger does. Ruger teaches a trigger safety comprising a shaft having a cutout whereby the shaft can be rotated into a trigger blocking position and a nonblocking position. Ruger further teaches a spring (reference 47) around the shaft for holding the shaft in either the safe position or the fire position (column 3, lines 25-37), which is equivalent to the spring and detent disclosed by Morrison. Morrison and Ruger are analogous art because they are from the same field of endeavor: trigger safeties. Therefore, because these two structures for holding the shaft in either the safe position or the fire position were art-recognized equivalents at the time the inventions were made, one of ordinary skill in the art would have found it obvious to substitute the spring around the shaft as taught by Ruger for the spring and detent as taught by Morrison.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison and Ruger as applied to claim 16 above, and further in view of Tange. Although neither Morrison nor Ruger expressly discloses a pin for attaching the thumb lever to the shaft, Tange does. Tange teaches a connecting screw (pin) (reference 34) for connecting a safety lever to a central pin in order to prevent the two pieces from rotating relative to each other. Tange and Morrison are analogous art because they are from the same field of endeavor: firearm safeties. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the pin connection as taught by Tange with the safety as taught by Morrison and Ruger. The suggestion motivation for doing so would have been to obtain a safety lever affixed to a safety rod in a manner that would not allow rotation between the two.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brandt (US Patent # 4,754,568), Loomis (US Patent # 2,387,669), Mote (US Patent # 5,025,582), Garofalo (US Patent # 5,465,517), and Guisasola (US Patent # 2,563,720), which are cited to disclose related structures of trigger safeties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrt

A handwritten signature in black ink, appearing to read "M. Thompson", is located in the lower right quadrant of the page.

IN THE SPECIFICATION:

After the Title and before the first line, please insert:

This application is a divisional of application Serial No. 09/783,652, filed February
14, 2001, ~~still pending.~~ **now Patent No. 6629379**